

MOTTO—The Missouri Herald believing those at the TOP well able to take care of themselves, has taken its stand in the barricades of the COMMON PEOPLE, and its fight will be made for the BETTERMENT of those at the BOTTOM.

The Missouri Herald

WANTED—Correspondents. It shall be the purpose of The Missouri Herald to print the news from all parts of the county, and correspondents are wanted from every neighborhood. Good writers are furnished material, postage and copy of paper.

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HAYTI, MISSOURI, FRIDAY, MAY 12, 1922

No. 27

Lost—Not Yet. Court House Bonding Contest Case Appealed

As announced in these columns last week, the court house contest has been appealed. It has been announced "lost" many times, but always has the habit of finding itself. It has as many lives as the proverbial cat. They may sandbag it, kick it overboard, but it has so far survived and finds the way back home. It is good for another sandbagging or two, yet, no matter how badly "lost" it is.

As but few know, for hitherto lack of publicity, the case has lain in a pigeonhole of the District Federal Court at St. Louis for more than a year. Upon a motion by the defense, the people of Caruthersville, to dismiss, the cause was argued in that court Tuesday, May 2, before Judge Dyer, 86, a retired judge. R. L. Ward and C. G. Shepard were there and represented the defense, the people of Caruthersville, and Abbott, Fauntleroy, Cullen and Edwards of St. Louis, represented the plaintiffs, the taxpayers of Pemiscot county. Judge Dyer found no difficulty in deciding favorably to the defendants, the people of Caruthersville. First, he held that each individual tax-payer must pay at least \$3000.00 before he can sue in Federal Court. Second, he held that the Federal Court will hold with the Supreme Court of Missouri and, therefore, would not hear testimony to determine the validity of the election.

From this decision the plaintiffs, the tax-payers of the county, or rather, a non-resident tax-payer of the county, Mrs. Harriet C. Brittin, who instituted the suit, appealed to the Federal Court of Appeals. This court meets in Denver in September and in St. Louis in January. If the plaintiffs suffer another defeat in that court they will continue to appeal to a higher court. So the case has not yet been "lost," nor is the end in sight.

Yesterday, Thursday, at Caruthersville, the County court made an order to sell the bonds, which order will be automatically annulled by the appeal.

County courts of Pemiscot county from the first have always been in a hurry to protect the interest of Caruthersville. In the first place, it was an order of the County Court, upon the advice of the Prosecuting Attorney, that has caused all the trouble, which put a face of validity upon that monstrous fraud. In the face of the wholesale fraud that was in evidence at that time, the County Court of that day and date made this order: "The election did well and truly carry by two-thirds majority of said county at said election." Upon that order, made at the advice of the Prosecuting Attorney and his allies, has hinged the whole trouble. Any County Court with backbone as stiff as an angleworm would never have done such a thing. But it was done to benefit the defendants and it has benefitted them—so far. That is, it has benefitted them in certain ways. There may be a return of the tide.

Under the caption: "Celebrated Court House Case Lost By Contesting Parties," the Democrat-Argus in its issue of May 5, says:

On Wednesday of this week Judge Pat Dyer, sitting as judge of the Federal Court for the Eastern District of Missouri at St. Louis, refused to make permanent the temporary writ of injunction issued by the Court about a year ago, restraining the County Court of Pemiscot county from issuing and selling the \$150,000 bonds to build a new court house authorized by an election held in 1920, which election was contested by a body of citizens of the county on the grounds that the election was illegally conducted and the results of the election obtained by the voting of the names of imaginary persons and inanimate objects at the two polling places in Caruthersville. Each side of the controversy was represented by able counsel, sums of money to pay lawyer fees and other expenses for the respective sides being donated by parties interested, and the case was threshed out in the Supreme Court of this state, the contestants losing. Nothing daunted by this defeat the contestants brought another suit for the same purpose, in the Federal Court at St. Louis, in which Harriet C. Brittin, a resident citizen of Illinois and taxpayer of Pemiscot county, appeared as plaintiff. This suit was filed more than a year ago, but for some reason never came to a hearing until Wednesday, with the result as above stated. Whether this decision settles the litigation in the matter or not we are not advised. It may be possible to get appeal to some higher court, for aught we know, and if so further delay in the building may occur. It seems likely the County Court will proceed at an early date to sell the bonds and take other steps to erect the new court house unless restrained by an early Court order.

If the Democrat-Argus does not wish to purposely misinform its readers it should not tell them the court house contest case was "threshed out" in the Supreme Court of this state. That is not true. It has not been "threshed out" in any court. It was kicked out. There was no "threshing" about it. The Supreme Court simply "decided" that a "special" election could not be contested in the State of Missouri. And that election was a "special" election. Very "special." That law was doubtless fully understood by certain individuals of Caruthersville before they stuffed the ballot box. Had such men not had advance

knowledge of what the "law" (?) would be they would never have dared commit such notoriously unlawful acts with so little concern. Of course they were advised. But the law is taking a little different turn to what they expected. It is about to get beyond their "reach." The plaintiffs are a little more numerous and persistent than they expected. The water is getting deeper. It is true, as the Democrat-Argus states, that "large sums have been made up by each side to pay lawyers' fees and other expenses." One side is the people of Caruthersville. The other side is the people of the county, aided by certain non-resident tax-payers. The people of the county are spending their money trying to get the case "threshed out." The people of Caruthersville are spending their money trying to prevent the "threshing." So far they have succeeded. And it would be very interesting to see published the names of the donors—the people of Caruthersville and the people of the county. Certain citizens of Caruthersville do not want the deck of cards that voted, as did gravestones, payrolls, and all the names of celebrities that went into the ballot box "threshed out." After the "threshing" there would be but little wheat and much straw.

The Democrat-Argus being in a position to be well on the "inside," states, as quoted above, that "unless restrained by a court order the County Court will likely go ahead, order the bonds sold and the new court house built." A knowing prediction, for the County Court did that very thing Thursday—ordered the bonds sold.

At the same time, the question came up as to the whereabouts of the bonds. None knew. The bonds are signed and negotiable. If they fall into the hands of an "innocent purchaser" the county will have to pay, but should not complain, as the people should be getting used to such transactions by this time. Probably nothing of the kind will happen. At least, we hope not. But the point is, there was, up until Thursday, for how long we are not informed, \$150,000 worth of Pemiscot county's negotiable paper being hacked around by Tom, Dick and Harry, whom we presume are under no bond for the safe-keeping of our little pocket change that was voted on us by the Jack of Spades and a lot of gentlemen of the same character, that pay not a cent of our taxation. The money, rather the bonds, may turn up safe, but

why bother about finance procured in such a manner? So far, it seems to have been anybody's that could get his paws on it, only it hadn't been located Thursday when the search was instituted. But that's all right. It's all in the same line.

This is not the first time a Pemiscot County Court has ordered the court house bonds sold and the court house built. First and last the county courts have spent many dollars of the people's money ordering bonds printed, court house plans drawn, together with traveling, viewing, surveying, etc., all of which will be lost if the case is ever "threshed out" in a higher court, to which it has been appealed. It is unquestioned that Caruthersville has had great friends in the county courts, as well as other courts, but so far the court house hasn't been built yet. It never will be if the plaintiffs can get the case in the proper sort of threshing machine, which they have appealed to.

The case has been appealed from Judge Dyer's decision to the Federal Court of Appeals. That court meets in Denver in September. The hearing cannot be before then. The same court will meet in St. Louis in January. The defendants can have their choice. So the "threshing" is a little ways off yet.

In the meantime the plaintiffs, the people of the county and the non-residents, who have contributed their money to pay for the "threshing," may be assured that if the case, or rather the motion, is decided adversely by the Court of Appeals, the cause will be appealed to the United States Supreme Court, before hope for a "threshing" will be abandoned. The Frisco railroad had to go to that court before it had any success in defending its interests against Caruthersville, and the hopes of the people of the county for justice, for the protection of their ballot, their right to vote and to have their votes counted, will not die short of the door of that tribunal of last resort. So the snows of another winter may fall and the flowers of another springtime may come before the voting deck of cards forces the people of tax-ridden Pemiscot county to build them a new court house, and as this time rolls away there is a just God in the Heavens above who perhaps is looking down with avenging impatience.

August Streiff, while cranking a Ford car a few days ago, had the misfortune to be kicked by the thing, breaking his arm near the wrist. August says anybody who will attempt to crank a Ford is a crank.

A \$15.00, 42-piece dinner set with 10 Silver Moon coffee coupons and \$6.98. See it at Buckleys'.

ARKANSAS GROCERY CO. TO GIVE BANQUET HERE.

R. M. Sain, manager for the Arkansas Grocery Company in this city, requests The Missouri Herald to announce that Will Pyles, president and general manager of the company, will give a banquet to the members of the Commercial Club and business men of Hayti at the Odd Fellows Hall here next Monday night. There will also be branch house representatives from other towns.

A real banquet will be provided the purpose being to serve a repast prepared exclusively from the goods sold by the company, with the exception of meats, which will be purchased in Hayti. Factory agents representing the manufacturers of the goods, will also be present and will have something to say that will be of benefit to the local dealers.

All the business men are invited and are expected to attend, as it is the purpose of the promoter to make this a get-together meeting, and matters of vital and mutual interest will be discussed.

The Missouri Herald would like to give this worthy affair more extended mention, but this being a "short" issue of our paper, lack of space prevents.

A strand of those beautiful pearl beads would make her happy for a graduation present; we have a big assortment, at special low prices just now. Turnbaugh's Jewelry Store, Caruthersville.

Esquire S. W. Law of Point Pleasant has been in the city visiting his daughter and son-in-law, Mr. and Mrs. W. P. Meate, this week. For several weeks 'Esquire' Law's farm has been under water, the same being on the river side of the levee.

Potato Slips for Sale—Nancy Halls and Porto Rico Yams; ready May 1. R. S. Hart, Hayti, Mo. 25-27

Mrs. Dollie Dorris will return from St. Louis in a few days, we understand, much improved in health. Mrs. Dorris has been taking treatment there several weeks.

For graduation presents, make your selections from the large stock at Turnbaugh's Jewelry Store, Caruthersville.

Wilson Moore and family of Route 1, Caruthersville were here Saturday visiting relatives.

Lace fronts for ladies' suits at Kohn's.

A. J. Dorris attended to business in Caruthersville Monday morning.

Boys' skull caps at Kohn's.

ACROSS THE YEARS.

To you, girls, who are rounding out your school days, after what has seemed a long, weary period, there will come another time, ten or twenty years hence, when the knowledge you have gained in the morning of your life, which may serve you well or ill, as you step upward or downward, as runs the road you choose to take, and then, somewhere along the way, you will pause and look backward across the years—to you, as a forethought of what will be your retrospection, the following lines are dedicated:

Across the years I hear your laughter sweet,
I see your faces through a mist of tears.
Oh, comrades of the happy schoolgirl years!
I hear the echo of your tripping feet.
As on the terrace there we used to meet
In the soft of dusk, in happy laughing pairs,
And walked and talked and dreamed—and knew no cares—
Upon the terrace there above the street.
Ah, yes! we wandered there and laughed and dreamed
A radiant wonder then the future seemed.
We planned what we would do when school was done,
And turned to life as flowers to the sun
How slow time seemed to our impatient feet
That trod the terrace above the street!
Oh, comrades, in the dusk of memory,
Where are you now? Has life been good to you—
Or death? Have all your girlish dreams come true?
Oh, gay young faces that came back to me,
What lines are written there, if I could see?
And is the laughter hushed that once I knew?
Ah, do you see it now, in memory—
The terrace where we walked so happily?

APOLOGETIC.

We dislike to apologize for our delinquencies, but nearly everything having conspired that could happen to a printing office to hinder from publishing a paper this week, we are forced to make some sort of explanation. First, and mainly, the electric light plant that furnishes power for the operating of our machinery was out of commission for several days, and right at the time we should have been doing the composition for the paper; and, second, we had an important and urgent assignment of job printing that had to be delivered today, Friday, the same being "The Cotton Blossom," the annual for the Caruthersville High School. So we had to neglect one or the other, the paper or the school publication, and as we can make up for our shortage of the paper and could not for the school annual, there was no other way out but for the paper to be sidetracked. Enough copy to fill a paper larger than this, after being prepared, has gone into the wastebasket, and in order to make room for what matter we do publish we have had to change the size of our type and omit our regular make-up of pages. Next week we hope to resume our regular order, and trust our readers will indulge our shortcomings under the circumstances, which no one regrets more than we.

ASSISTANT ATTORNEY GENERAL

For the first time in its history Pemiscot county has a resident Attorney General, B. A. McKay of Caruthersville having, this week, received from Attorney General Barrett, Jefferson City, a commission as deputy to that official, with all the powers to act that high office carries with its obligations. Mr. McKay is well qualified for the position, both by legal knowledge and long experience, and above all by determination to stand up in the face of all sorts of opposition. Go to it "Addie," but you've a job on your hands, old boy, the like of which you never had before—if you break through the hedge fence and reach the hedgehog in his lair.

HON. JOHN T. WHITE.

The Hon. John T. White of Jefferson City, Democratic candidate for Judge of the Missouri Supreme Court, Division No. 2, paid The Missouri Herald a very pleasant call Wednesday morning. From our short talk with the gentleman we judge him to be a man of ability and one who will conscientiously strive to serve the best interest of the people, so far as the correct application of the law may concern. We would like to say more regarding Mr. White's candidacy, but for lack of space shall have to defer doing so until a later date.

Attorney C. E. Bragg of Caruthersville, candidate for Circuit Judge was reported to have been seen in this community Monday. It is presumed he had "legal business."

HAYTI HIGH SCHOOL NEWS

"It pays around here to be on time and do the right thing."

The Baccalaureate address will be delivered to the Class of '22 in the High School auditorium at eleven o'clock, Sunday morning, May the fourteenth, by the Rev. J. Murray Taylor, pastor of the Christian church of Memphis, Tenn.

All candidates for graduation will assemble in the High School at 10:45 and march in a body to the auditorium and occupy the front seats.

This will be the first of the commencement week exercises at the High School.

The second annual alumni banquet of the High School will be given in the Masonic Hall at eight o'clock Wednesday evening, May the seventeenth.

Rev. Peal, minister of the M. E. church of Caruthersville, Mo., will deliver the commencement address to the Eighth Grade graduates at eight o'clock Thursday evening, May the eighteenth. The Eighth Grade pupils are: Irene Wilkes, Celesta Sturm, Dora Cathey, Lucille Jackson Jasmyn Sanders, Pauline O'Connor, Mary Alice Shepard, Jennie Dell Hudgings; Champ Gettings, Lofton Croom, Joe Prince, Pascal Gardner, Mack Morgan, Charles Amos Morgan, Joe Morgan, Amos Dowd and J. W. Thompson. Mary Alice Shepard has been chosen salutatorian, and Jasmyn Sanders, valedictorian.

The graduation address will be delivered in the High School auditorium at eight o'clock Friday evening, May the nineteenth, by Dr. Joseph A. Serena, president of the Southeast Missouri Teachers' College of Cape Girardeau.

The following pupils are members of the Class of '22: Allie and Pearl Cameron, Carmel Popham, Gladys Chism, Farle Gettings, Grace Rowe, Oda Fullwood and Helen Guffy Dorris.

The examinations for the fourth quarter will begin Wednesday noon of the last week.

"The Dear Boy Graduates" was presented by the Eighth Grade Friday evening, May fifth, at the High School auditorium. This is one of the best plays presented here by a grade class. The play was exceptionally well rendered by the grade pupils and they are to be congratulated upon their work. They showed good training in expression. The attendance was one of the largest of the year. Wednesday night the play was presented at Braggadocio, where the attendance was also large. The High School will be glad to have this class with them next year.

For the boys' graduation presents: Watches, chains, cuff links, tie pins, collar pins, waldemar knives and combs, belts and buckles, emblem charms and pins, and other suitable things, on sale at Turnbaugh's Jewelry Store, Caruthersville.

All garden and field stuff that was planted early is looking fine, some corn in the gardens of Hayti being above knee high.

Mass Meeting

---of the---

FARMERS

With the Chamber of Commerce

on

Saturday, May 20th, 2 p. m.

at

High School Auditorium

for the purpose of discussing the construction of a Cotton Warehouse in Hayti.